

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FURNACE BROOK, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-cv-4310
)	Hon. Virginia M. Kendall
AÉROPOSTALE, INC., BOSTON)	
PROPER, INC., DICK'S SPORTING)	
GOODS, INC., HICKORY FARMS,)	
INC., LEVI STRAUSS & COMPANY,)	
NIKE, INC., and THOMAS VILLE)	JURY TRIAL DEMANDED
FURNITURE INDUSTRIES, INC.)	
)	
Defendants.)	
)	

**DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT AND
OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Aéropostale, Inc., Boston Proper, Inc., Dick's Sporting Goods, Inc., Hickory Farms Inc., NIKE, Inc., Thomasville Furniture Industries, Inc., and Levi Strauss & Company jointly cross-move for summary judgment against Plaintiff, Furnace Brook, LLC, and oppose Furnace Brook LLC's motion for summary judgment. The doctrine of collateral estoppel acts as a complete bar to Plaintiff's infringement claims in this case to which there is no genuine issue of material fact, as more fully explained in Defendants' concurrently filed Motion in Support of Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment.

Dated: October 23, 2009

Respectfully submitted,

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